



17. Page 26, Paragraph 24 (c)

As explained in previous comments, work plans for additional mitigation projects should follow requirements and procedures established in permit number CO-0044768.

18. Page 35

Should the Terry Tunnel permit (CO-0036056) also be attached as an Appendix E?

Appendix A

19. Page 4 (a), First bullet paragraph

The response to exceedances of the monthly zinc average at the reference point needs further definition. SGC should automatically be required to investigate possible causes of elevated zinc values. How long does SGC have to lower the zinc levels if a problem occurs? Subsequent to the investigation period which should last a maximum of sixty (60) days, SGC should be required to submit an investigation report and a mitigation plan to the WQCD.

20. The times of sampling should be indicated on table A. Also the time of day for future monitoring should be specified in order to have comparable data.

21. The copy of Appendix A we received ended with Paragraph 13 in the last sentence. We believe this section should reference Paragraph 14 of the Consent Decree.

Appendix B

1. Page 1.b, Part B-2(1), Sunnyside Mine Pool: The plan calls for raising the pH in the Sunnyside Mine to a range of 8 to 9. We are concerned that the range of pH may not be high enough to handle the zinc and copper concentrations. A pH range of 10 to 11 would appear to be a more realistic range to assure adequate precipitation of metals within the mine pool.

There is no indication as to how the pH for the injection or the pH in the mine pool will be monitored and adjusted. This is a critical issue given the difficulty in assuring adequate mixing of the mine pool. There should be a requirement for monitoring the mine pool in sufficient locations to assure that the pH is in the target range.

2. Page 1.b, Part B-2(2), Mine Waste Dump - South Fork of Cement Creek: The plan for the mine waste dump at the South Fork of Cement Creek does not mention removal of the contaminated material underlying the tailings. Experience at the Eagle Mine and Chalk Creek indicates that a significant amount of contaminated soil will be under the pile. This should be removed and new soil should be placed in the excavation prior to any attempt at re-vegetation. If this does not happen, the re-vegetation effort will be subject to failure and the ground water and surface water leaving this area will show a significant increase in metals.

The comments provided above regarding removal of contaminated material underlying the tailings piles also applies to the remainder of the tailings removal projects (Items 3-7). These projects should be undertaken with specific soil sampling plans and removal criteria to assure that the highest level of metals-contaminated material is

- revise 5. dictate closure*
5. EPA believes that it is appropriate to require Best Available Technology (BAT) as referenced in the BAT standards for "Mine Drainage" at 40 CFR 440. *confinement BPS*
6. The Draft General Permit for Stormwater Discharge Associated with Metal Mining Operations and Mine-Water Remediation (Permit Number COR-040000, Parts I.C.1 - I.C.6) may be a good reference for this information. Additional requirements related to plan preparation, implementation, retention, submittal, review, changes, non-stormwater discharges, inspections and permit availability must also be included in the permit even if they are addressed in the Consent Decree.
7. Section V, Item 9 (a), Page 13
- The summary of work provides a brief discussion of the plugging of the Terry Tunnel. It does not make mention of the need to add buffering amendments to the fluid behind the bulkhead during the flooding of the workings. It was our understanding that this action was agreed upon as a means of raising the pH to reduce dissolved metal loading in the workings. This is a critical element of the mine plugging proposal. It should be mentioned in the summary. The target pH in the workings (or pH range) should also be mentioned.
8. Section VI, Item 10 (b), Page 18
- The sampling at the four mines identified in this section must include flow measurements in order to determine if the plugging has resulted in loading changes. The monitoring requirements of the DMG permit should also be mentioned. Because this information was not readily available, we suggest that SGC be required to identify new springs and seeps in the vicinity of these locations and sample them if the flow increases measurably.
- to C.D.*

removed. Criteria for soil cover after removal of the material should also be stipulated.

Detailed Comments Related to the Permits

All Permits

1. DMRs need to be sent to EPA's new address:

U.S. Environmental Protection Agency (8ENF-T)
Office of Enforcement, Compliance
and Environmental Justice
Technical Enforcement Program
999 18th Street, Suite 500
Denver, CO 80202-2466

Permit for Mitigation Projects CO-0044768

- reference *Mined Land Performance Sds*

2. The draft permit for the Sunnyside Gold Corporation (SGC) Mine Remediation Projects lacks specific conditions for environmental control. The draft permit only requires full implementation of the Mine Remediation Plan (MRP), however criteria have not been established for the contents of an MRP. As written, the permit does not contain necessary technology based controls, as required by Federal regulations.

At a minimum, the draft permit for SGC must include specific requirements for all MRPs. We feel that these requirements should be similar to the those for the storm water management plans (SWMPs) for inactive mines as drafted by CDPHE for the draft General Permit for Stormwater Discharge Associated with Metal Mining Operations and Mine-Waste Remediation (Permit Number COR-040000, Parts I.C.1 - I.C.6). A particular emphasis should be placed on erosion control during and after (re-vegetation) the remediation project.

Additional SWMP requirements related to plan preparation, implementation, retention, submittal, review and approval by CDPHE, plan changes, non-stormwater discharges, inspections SWMP availability, and procedures for covering additional projects must also be added to the permit. For those projects where adits are present, requirements related to adit closure or treatment should be added to the permit to address flow other than storm water.

The MRPs will need to be modified to be in compliance with these permit conditions. Review and approval of the work plans should be through the permit process rather than the consent decree.

3. We are also concerned that SGC has not contacted most of the land owners concerning the proposed projects. A provision should be added to the permit and Consent Decree that SGC contact the landowners before detailed plans are complete. This would allow substitute projects to be identified before too much time and effort is spent on a project, if the owner's permission cannot be obtained.

American Tunnel Permit CO-0027529

- To be discussed

4. WET monitoring and limits should apply until tunnel discharges are terminated. EPA believes there is a reasonable potential for toxicity based upon the existing data. Since October 16, 1995, all WET monitoring (and limits) must be in accordance with 40 CFR 136. These requirements specify that WET chronic end points shall be determined based on both growth and reproduction (which ever is most restrictive).

Done
Fox Mike
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